



PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT: Flentge, et al.

SERIAL NO.: 10/733,915

FILED: December 11, 2003

FOR: HIV PROTEASE INHIBITING  
COMPOUNDS

EXAMINER: (not assigned)

GROUP ART NO.: 1614

CASE NO.: 7264.US.01

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the:

Commissioner for Patents  
Mail Stop Missing Parts  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date of Deposit: *Sept 27, 2004*

*Kathleen Boettcher*  
Kathleen Boettcher

**DECLARATION IN SUPPORT OF PETITION TO CORRECT INVENTORSHIP**  
**UNDER 37 CFR §1.48(A)**

Commissioner for Patents  
Mail Stop Missing Parts  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Charles A. Flentge, hereby verify that the error in inventorship in the above-identified application occurred without deceptive intent.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

9-1-04  
Date

*Charles A. Flentge*  
Charles A. Flentge



PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

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*Sept. 27, 2004*  
*Kathleen Boettcher*

Kathleen Boettcher

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UNDER 37 CFR §1.48(A)**

Commissioner for Patents  
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Alexandria, VA 22313-1450

Dear Sir:

I, William J. Flosi, hereby verify that the error in inventorship in the above-identified application occurred without deceptive intent.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

9/1/04  
Date

*William J. Flosi*  
William J. Flosi



PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

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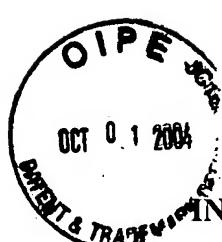
Dear Sir:

I, David A. DeGoey, hereby verify that the error in inventorship in the above-identified application occurred without deceptive intent.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

9/1/04  
Date

David A. DeGoey  
David A. DeGoey



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UNDER 37 CFR §1.48(A)**

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Alexandria, VA 22313-1450

Dear Sir:

I, Hui-Ju Chen, hereby verify that the error in inventorship in the above-identified application occurred without deceptive intent.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

9-3-04  
Date



Hui-Ju Chen

PATENT

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*Kathleen Boettcher*

Kathleen Boettcher

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**UNDER 37 CFR §1.48(A)**

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Alexandria, VA 22313-1450

Dear Sir:

I, David J. Grampovnik, hereby verify that the error in inventorship in the above-identified application occurred without deceptive intent.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

9-1-04  
Date

*David J. Grampovnik*  
David J. Grampovnik

PATENT

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

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**UNDER 37 CFR §1.48(A)**

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Alexandria, VA 22313-1450

Dear Sir:

I, Peggy P. Huang, hereby verify that the error in inventorship in the above-identified application occurred without deceptive intent.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

9/1/04  
Date

*Peggy P. Huang*  
Peggy P. Huang

PATENT

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

APPLICANT: Flentge, et al.

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Kathleen Boettcher

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**UNDER 37 CFR §1.48(A)**

Commissioner for Patents  
Mail Stop Missing Parts  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Dale J. Kempf, hereby verify that the error in inventorship in the above-identified application occurred without deceptive intent.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

8/31/04  
Date

*Dale J. Kempf*  
Dale J. Kempf

PATENT

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

APPLICANT: Flentge, et al.

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Kathleen Boettcher

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**UNDER 37 CFR §1.48(A)**

Commissioner for Patents  
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Alexandria, VA 22313-1450

Dear Sir:

I, Allan C. Krueger, hereby verify that the error in inventorship in the above-identified application occurred without deceptive intent.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

*9/2/04*

\_\_\_\_\_  
Date

*A. C. Krueger*

\_\_\_\_\_  
Allan C. Krueger

PATENT

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

APPLICANT: Flentge, et al.

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**UNDER 37 CFR §1.48(A)**

Commissioner for Patents  
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P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Darold L. Madigan, hereby verify that the error in inventorship in the above-identified application occurred without deceptive intent.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

9/2/2004  
Date

  
\_\_\_\_\_  
Darold L. Madigan

PATENT

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

APPLICANT: Flentge, et al.

SERIAL NO.: 10/733,915

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*Kathleen Boettcher*

Kathleen Boettcher

**DECLARATION IN SUPPORT OF PETITION TO CORRECT INVENTORSHIP**  
**UNDER 37 CFR §1.48(A)**

Commissioner for Patents  
Mail Stop Missing Parts  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, John T. Randolph, hereby verify that the error in inventorship in the above-identified application occurred without deceptive intent.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

*9/1/04*

Date

*John T. Randolph*

John T. Randolph

PATENT

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

APPLICANT: Flentge, et al.

SERIAL NO.: 10/733,915

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*Kathleen Boettcher*

Kathleen Boettcher

**DECLARATION IN SUPPORT OF PETITION TO CORRECT INVENTORSHIP**  
**UNDER 37 CFR §1.48(A)**

Commissioner for Patents  
Mail Stop Missing Parts  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Minghua Sun, hereby verify that the error in inventorship in the above-identified application occurred without deceptive intent.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

9/11/04  
Date

Minghua Sun

PATENT

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

APPLICANT: Flentge, et al.

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**UNDER 37 CFR §1.48(A)**

Commissioner for Patents  
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Alexandria, VA 22313-1450

Dear Sir:

I, Ming C. Yeung, hereby verify that the error in inventorship in the above-identified application occurred without deceptive intent.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

*9/3/04*

*Ming C. Yeung*

Ming C. Yeung

PATENT

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

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Kathleen Boettcher

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**UNDER 37 CFR §1.48(A)**

Commissioner for Patents  
Mail Stop Missing Parts  
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Dear Sir:

I, Chen Zhao, hereby verify that the error in inventorship in the above-identified application occurred without deceptive intent.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

9-1-04  
Date

*Chen Zhao*  
Chen Zhao

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Flentge, et al.

SERIAL NO.: 10/733,915

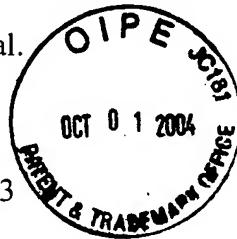
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*Kathleen Boettcher*  
Kathleen Boettcher

**PETITION TO CORRECT INVENTORSHIP**

Commissioner for Patents  
Mail Stop Missing Parts  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition the Commissioner of Patents and Trademarks to correct the inventorship of the above-identified patent application by adding the names of Hui-Ju Chen, David A. DeGoey, Charles A. Flentge, William J. Flosi, David J. Grampovnik, Peggy P. Huang, Dale J. Kempf, Allan C. Krueger, Darold L. Madigan, John T. Randolph, Minghua Sun, Ming C. Yeung and Chen Zhao to the list of inventors with **Charles A. Flentge** being listed as the first named inventor which originally enumerated only Larry L. Klein.

This petition is supported by statements of fact, enclosed herewith, verified by the originally named inventor Larry L. Klein, and the Attorney for Applicants Kalim S. Fuzail. The verified statements set forth events leading to the discovery of the misjoinder of inventors. These events show that the misjoinder resulted through an error without deceptive intent and the petition for amendment of inventorship is being made promptly after the error was discovered.

Please charge Deposit Account 01-0025 in the amount of \$130.00 to cover the cost of the correction. A copy of this sheet is attached.

10/04/2004 HGUTEMA1 00000034 010025 10733915

02 FC:1460

130.00 DA

Abbott Laboratories  
Customer Number: 23492  
Telephone: (708) 937-4512  
Fax: (708) 938-2623

Sincerely,  
Charles A. Flentge, et al.

*Kalim S. Fuzail*  
Kalim S. Fuzail  
Registration No. 45,805  
Attorney for Applicants



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Kathleen Boettcher  
Kathleen Boettcher

VERIFIED STATEMENT OF FACTS OF KALIM S. FUZAIL

Commissioner for Patents  
Mail Stop Missing Parts  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1. As part of my duties I am responsible for the preparation and filing of patent applications for Abbott Laboratories' Diagnostics Division and I am the Attorney of Record for Applicants in U.S. Patent Application Serial Number 10/733,915 filed December 11, 2003.
2. At the time U.S. Patent Application Serial Number 10/733,915 was filed, I was unaware of the inventive contributions of Hui-Ju Chen, David A. DeGoey, Charles A. Flentge, William J. Flosi, David J. Grampovnik, Peggy P. Huang, Dale J. Kempf, Allan C. Krueger, Darold L. Madigan, John T. Randolph, Minghua Sun, Ming C. Yeung and Chen Zhao to the invention claimed in above patent application.

3. After the above application was filed, a question regarding the inventorship of the above application arose. After reviewing the application for patent, I concluded that Hui-Ju Chen, David A. DeGoe, Charles A. Flentge, William J. Flosi, David J. Grampovnik, Peggy P. Huang, Dale J. Kempf, Allan C. Krueger, Darold L. Madigan, John T. Randolph, Minghua Sun, Ming C. Yeung and Chen Zhao were erroneously omitted as joint inventors of the invention, and that this omission was in error without deceptive intent.

4. After the error was discovered, I initiated corrective steps including having statements of fact prepared and obtaining executed declarations of inventorship from all of the inventors.



---

Kalim S. Fuzail  
Registration No. 45,805  
Attorney for Applicants

Date



PATENT

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Kathleen Boettcher

CONSENT OF ASSIGNEE TO CHANGE INVENTORSHIP

Commissioner for Patents  
Mail Stop Missing Parts  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

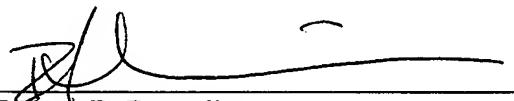
I, Robert DeBerardine, hereby state:

1. I am authorized to consent to the requested change of inventorship in U.S. Patent Application Serial No. 10/733,915.
2. Abbott Laboratories is the owner of U.S. Patent Application Serial No. 10/733,915 by assignment from each and every of the three joint inventors.

3. I am familiar with the application, including the request that the designation of inventorship be amended to add the names of Hui-Ju Chen, David A. DeGoey, Charles A. Flentge, William J. Flosi, David J. Grampovnik, Peggy P. Huang, Dale J. Kempf, Allan C. Krueger, Darold L. Madigan, John T. Randolph, Minghua Sun, Ming C. Yeung, and Chen Zhao to the application which originally named Larry Klein.

4. I am familiar with the declarations and a verified statement filed in this case supporting such a change in the identification of inventorship.

5. On behalf of Abbott Laboratories, I consent to the change of inventorship.



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Robert DeBerardine  
Divisional Vice President, Patents and Trademarks



PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT: Flentge, et al.

SERIAL NO.: 10/733,915

FILED: December 11, 2003

FOR: HIV PROTEASE INHIBITING  
COMPOUNDS

EXAMINER: (not assigned)

GROUP ART NO.: 1614

CASE NO.: 7264.US.01

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the:

Commissioner for Patents  
Mail Stop Missing Parts  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date of Deposit: *September 27, 2004*

*Kathleen Boettcher*  
Kathleen Boettcher

VERIFIED STATEMENT OF FACTS OF LARRY L. KLEIN

Commissioner for Patents  
Mail Stop Missing Parts  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

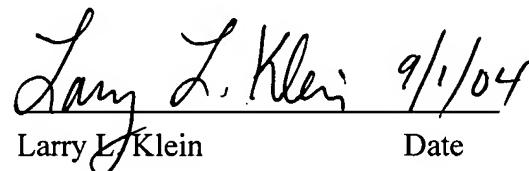
1. I am an employee of Abbott Laboratories, Abbott Park, Illinois, U.S.A.
2. I am the originally named inventor of the invention claimed in U.S. Patent Application Serial Number 10/733,915 which has a filing date of December 11, 2003.
3. At the time I submitted the information necessary for drafting a patent application to the Abbott Laboratories Patent Department, I was unaware of the fact that contributions of fellow Abbott Laboratories employees, Hui-Ju Chen, David A. DeGoey, Charles A. Flentge, William J. Flosi, David J. Grampovnik, Peggy P. Huang, Dale J. Kempf, Allan C. Krueger, Darold L. Madigan, John T. Randolph, Minghua Sun, Ming C. Yeung and Chen Zhao, would be encompassed by the claims in U.S. Patent Application Serial Number 10/733,915.
4. Shortly after U.S. Patent Application Serial Number 10/733,915 was filed, it was realized that Hui-Ju Chen, David A. DeGoey, Charles A. Flentge, William J. Flosi, David

J. Grampovnik, Peggy P. Huang, Dale J. Kempf, Allan C. Krueger, Darold L. Madigan, John T. Randolph, Minghua Sun, Ming C. Yeung and Chen Zhao had been omitted from the 10/733,915 application.

5. It was concluded by Kalim S. Fuzail, that Hui-Ju Chen, David A. DeGoey, Charles A. Flentge, William J. Flosi, David J. Grampovnik, Peggy P. Huang, Dale J. Kempf, Allan C. Krueger, Darold L. Madigan, John T. Randolph, Minghua Sun, Ming C. Yeung and Chen Zhao had been erroneously omitted as joint inventors of U. S. Patent Application Serial Number 10/733,915.

6. The correct joint-inventors were not named in the application as originally filed through error without deceptive intent.

7. I believe that all statements made herein were made from my own knowledge; that all statements made herein were believed to be true; and further, that all statements made herein were made with the knowledge that willful false statements are punishable by fine, imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of U.S. Patent Application Serial Number 10/733,915 or any patent issuing thereon.



Larry L. Klein 9/1/04

Larry L. Klein

Date